

**Gilbert M. Fein**

**Neighborhood Conservation District**



Architect's rendering of the Lincoln Terrace Villas

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**PLAN REPORT**

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**GILBERT M. FEIN  
NEIGHBORHOOD CONSERVATION DISTRICT**

**CITY OF MIAMI BEACH**

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## **I. Executive Summary**

### **1.1 Introduction to Neighborhood Conservation Districts**

Neighborhood Conservation Districts or NCDs were first initiated in the United States in 1975 and have become increasingly utilized as an overlay district technique in cities throughout the country. NCDs are often proposed for neighborhoods that are experiencing redevelopment pressure or where some rehabilitation and new infill construction may have already taken place.

NCD regulations are generally more flexible than those in local historic districts. Their purpose is to protect an area from inappropriate development by refining development regulations with regard to the form and massing of new construction. The design of additions and alterations to existing structures as well as limited protection from demolition may also be involved in an NCD designation. In essence, regulations are customized to address neighborhood needs.

The City of Miami Beach recently adopted a Neighborhood Conservation District enabling ordinance in 2004 and is exploring the creation of several NCDs throughout the city.

### **1.2 Background to the Bay Front Cul De Sac Study**

In 2001, the Planning Department began to focus on that area of 'South Beach' west of Alton Road due to the intense urban conditions beginning to unfold as a result of a sharp residential construction boom. Of particular concern was the pace and character of redevelopment as well as its impact on traffic congestion and parking within the area.

In particular, the low scale neighborhoods west of Alton Road between 14<sup>th</sup> Street and Lincoln Road were becoming seriously impacted by new high rise development projects such as the Grand Flamingo at 1500 Bay Road and The Waverly at 1330 West Avenue; both 35 stories in height and offering a *high-end* luxury product that challenges the affordable economic viability and intimate pedestrian scale of the neighboring one and two story single-family and apartment structures in the area.

In an effort to begin engaging the public, the Planning Department sponsored a community workshop in December of 2001 at which several planning strategies were discussed and ranked in terms of resident interest. These strategies included creating overlay districts to foster the retention of lower scale existing structures through land use incentives such as Bed & Breakfast Inns and Residential Offices, as well as conservation and preservation overlays in areas which retained a high level of cohesiveness, such as the bay front *cul de sac* neighborhood of Lincoln Terrace and 16<sup>th</sup> Street.

This residential neighborhood fronting the 16<sup>th</sup> Street and Lincoln Terrace *cul-de-sac* street-ends, between Bay Road and Biscayne Bay was of particular interest because of the high level of uncertainty regarding its potential for redevelopment. Currently zoned at multi-family medium intensity (RM-2) which allows for waterfront structures to rise between 100 and 140 feet in height with a maximum FAR of 2.0, the ownership patterns of the subject blocks of two story buildings are primarily rental based, therefore transient in occupancy and easily susceptible to market driven redevelopment.

Originally developed in 1950 and arguably one of Miami Beach's earliest Post-War Planned Unit Developments or PUDs, the Lincoln Terrace Villas, designed by architect, Gilbert M. Fein, remains predominately intact today as it was first constructed some 50 years ago. The structures of this neighborhood are extremely cohesive in terms of their size, massing and style. Their significance is

also recognizable in terms of the recent efforts, especially in the 'North Beach' area, by the City to acknowledge its architectural heritage of Postwar Modern developments, commonly referred to as 'MiMo' (Miami Modernism). These two blocks in 'South Beach' are unique in that they form a distinct architectural enclave of two-story 'MiMo' apartment buildings which originally had direct access to the bay front. It may be observed that aside from those low-scale 'MiMo' properties located along the bay front which have been up-zoned at the request of their owners, such as those fronting Monad Terrace, or those enclaves dismantled through the modifications of redevelopment, the *Lincoln Terrace and Bay Lincoln (16th Street) Villas* form the only enclave of its type remaining in the 'South Beach' area. It is for this reason that particular regard should be taken for the degree to which transformation may occur within this special enclave despite the fact that its significance may not be easily recognizable based on the chaotic parking conditions presently inflicting the 16<sup>th</sup> Street and Bay Road area.

As a result of this initial community meeting, neighborhood surveys were completed by the residents and 71% of those 44 attendees expressed clear support for the concept of Neighborhood Conservation Districts in the area. In particular, the findings relative to the bay front *cul de sac* neighborhood, also referred to as the Gilbert Fein District, suggested clear community support for some level of preservation or conservation of the area. Therefore, staff's report, dated January 22, 2002, to the Planning Board describing the meeting findings, recommended the preparation of a designation report which at a minimum called for the creation of a Neighborhood Conservation District or at a maximum a Historic Preservation District, and that the report would be prepared after receiving comment from those property owners most directly affected by the initiative. The findings and recommendation of this strategy as well as the report in its entirety were approved by the Planning Board and staff was then instructed to begin developing the overlay district and meeting with property owners.

In affirming staff's recommendation to move forward with the study, the Planning Board recognized the following:

- the uniqueness and significance of this early Post War Planned Unit Development to the urban experience of Miami Beach.
- the impending threat to the neighborhood character posed by the burgeoning high-rise residential development pattern of adjacent bay front properties.

### **1.3 Property Owner Meetings**

Two (2) meetings were held for the property owners in 2003. At these meetings the existing conditions impacting the area were discussed in terms of potential neighborhood options available toward maintaining and improving the low-scale character and quality of life within the area. The neighborhood planning options were presented in terms of their ability to address two main issues affecting the area; those being the character of recent redevelopment and its dissimilar relationship to the existing neighborhood and the poor street conditions existing most prominently along 16th street; both factors contributing to a generally negative perception for the neighborhood.

The first option presented was that of the current RM-2 zoning which was shown to generate a great deal of uncertainty in terms of what might occur due to the sharp disparity between its potential "as-of-right" development parameters and the existing neighborhood. Furthermore, it was suggested that none of the non-waterfront parcels (or dry lots) meet the minimum required square footage for redevelopment under the RM-2 zoning individually, and only through the assembly of two (2) or more parcels could redevelopment occur; once again dictating a new building fabric quite different from the existing consistently low-scale neighborhood.

During these property owner meetings staff presented several views of how the district might redevelop and although at one point it was suggested that an ideal scenario might call for the total assembly of all the lots and the complete redevelopment of the area similar to that of the Grand Flamingo site, it was shown to be evident that redevelopment in Miami Beach rarely occurs on such a scale in this way primarily due to the high property values attached to individually owned parcels. Instead, a more incremental assembly of lots occurs and in this instance, even if a developer were to assemble all of the lots, they would need to vacate the public rights-of-way cul de sac streets in order to fully reconfigure the neighborhood. This would be extremely difficult given both the municipal and county regulations in place toward conserving view corridors to Biscayne Bay.

The second approach reviewed was that of Historic Preservation which if adopted would be an overlay district upon the underlying RM-2 zoning and would ultimately strive to preserve the existing architectural experience to the greatest extent possible. Federal and County tax credits were identified as the incentives to designation and it was pointed out that because much of the rehabilitation which had occurred within the neighborhood had been faithful to its historic character and would meet the standards for Historic Preservation, the neighborhood would undoubtedly be eligible for designation. Of further note was the fact that no major additions had occurred to the existing structures over the years thus further strengthening the areas historic integrity.

The third and final option explored with the owners was that of Neighborhood Conservation which like Historic Preservation would entail an overlay district or refinement to the underlying RM-2 zoning. Its scope and intent, however, would not necessarily be to preserve actual structures but rather to maintain and enhance certain key elements of the neighborhood's character. These might include such characteristics as the consistent two story street wall experience of the *cul de sacs* or the shared side courtyards between the existing structures. It was also noted that the potential for identifying neighborhood streetscape or other neighborhood improvement projects could be blended into the Neighborhood Conservation District designation.

#### **1.4 The Gilbert Fein Neighborhood Conservation District Steering Committee**

As the Planning Department conducted its meetings with the property owners several residents from the neighborhood, interested in the study and the significance of the bay front cul-de-sacs, came forward and requested to take an active role in the study process. To this end, from the property owner meetings, the effort was then focused at developing an overlay designation at the steering committee level. Two additional meetings were held during which the parameters of the NCD designation were developed. The initial findings of the steering committee were as follows:

- The existing Bay Front PUD comprises a distinctive enclave of Post War, mid- 20th-century modern apartment buildings, which were predominately designed by the prolific Miami Beach architect, Gilbert M. Fein.
- The Gilbert M. Fein Bay Front PUD is extremely cohesive in terms of the height, scale, massing and architectural detail of the structures as well as the open spaces and quality neighborhood view corridors.
- The site planning of the Gilbert M. Fein PUD reflects a unique approach to community design whereby:
  - a condition of the City's Zoning Board approval, dated 1950, prohibited additions to be constructed beyond the existing building lines,

- thereby preserving side yards as common and to be shared by adjacent buildings,
- yet divided into parcels that remain individually owned and generally platted at the standard 50 by 100 feet.
- The above noted low scale and close-knit design of the enclave has established a desirable character and quality of life worthy of maintaining along the bay front.
- Current zoning reviews cannot address the development impact that new infill construction will have on the existing character and scale of the original PUD.

Furthermore, the committee found that the major elements of a Gilbert M. Fein Neighborhood Conservation District overlay should be as follows:

- NCD specific zoning regulations, which determine a building footprint for new construction that is substantially consistent with the standard found in the existing structures.
- The review by the Design Review Board or their staff of landscape design drawings towards the retention of all shared common side yards.
- The review by the Design Review Board or their staff of all new construction, demolition or alteration that affects architectural features visible from a public right-of-way.

Also, of particular note was the development of certain district specific programming for the bay front (waterfront) lot assembly where heights could rise significantly greater than the dry lots. Therefore, the draft NCD guidelines identified the preservation of 1491 Lincoln Terrace, a building designed by noted Miami Beach architect, Igor Polevitsky, and called for the taller new structures to be located to the south; closer to the Grand Flamingo site.

The steering committee further embraced the strategy of enhancing the existing parking condition along 16th Street where the current informal parallel and perpendicular configuration, which does not meet Municipal or County Code standards exists, and the committee agreed that the street should be beautified and made legal by employing the concept of a European shared parking court.

### **1.5 Finalization of the Gilbert M. Fein Neighborhood Conservation District**

The aforementioned ideas and other concepts were embraced and included into the first ever Neighborhood Conservation District report, drafted for review by the City Commission pending their prior adoption of an NCD enabling ordinance, and while the process may seem to have been long, this was primarily due to the fact that it involved the creation of a new, consensus driven, neighborhood planning tool, never before utilized within the City.

### **1.6 Recent Developments**

During the period of adoption of the Neighborhood Conservation District enabling ordinance, a project for the waterfront sites was submitted for approval by the Design Review Board and in May of 2004, demolition permits for three of the four waterfront structures were obtained. A demolition permit was not pulled for 1491 Lincoln Terrace due to the positive impact of the neighborhood meeting process and wishes expressed by residents about preserving this structure. Several of the strategies identified through the draft NCD as well as other elements were addressed within the

Development Review Order of the DRB. These included the restoration of 1491 Lincoln Terrace, subterranean parking, bay access for the public and an agreement by the developer to implement the much needed street improvements. The project was approved in July of 2004, and the development agreement will remain active until January, 2006.

### **1.7 Legislative Planning Process Timeline**

Finally, as further background toward understanding the evolution of this initiative, a list of the legislative planning procedures which have occurred to date has been included as follows:

- **April 13, 2004** The Historic Preservation Board discusses the historic designation of 1491 Lincoln Terrace.
- **April 14, 2004** The City Commission discusses the area between 12th and 17th Streets, west of Alton Road, relative to traffic congestion and the scale and character of redevelopment and requests that the Historic Preservation Board review the "Gilbert Fein" Neighborhood relative to possible historic district designation.
- **May 11, 2004** The Historic Preservation Board requests staff to place consideration of creating a Gilbert Fein Historic District on its June 8, 2004, agenda.
- **May 18, 2004** The proposed 'Capri on the Bay' waterfront redevelopment project is first reviewed by the Design Review Board.
- **May 25, 2004** Demolition permits for three of the four existing structures located on the water front sites within the potential district are obtained in conjunction with the 'Capri on the Bay Project'.
- **June 8, 2004** The Historic Preservation Board initiates *zoning in progress* relative to further demolition within the proposed historic district by directing staff to commence preparation of a local Historic District Preliminary Evaluation, but following public comment, requests that staff defer the Board's formal consideration until after the City Commission has adopted a Neighborhood Conservation District (NCD) enabling ordinance.
- **July 20, 2004** The Design Review Board approves the 'Capri on the Bay' project .
- **September 8, 2004** The City Commission, based on recommendations from the Planning Board, Historic Preservation Board, Design Review Board and Planning Department, after discussions with the Community, adopts a NCD enabling ordinance addressing the unique planning issues impacting this and other potential NCD overlay districts citywide.



- **December 6, 2004**

The Historic Preservation Board in further considering the codified overlay district options available, formally initiates the process toward adopting a proposed Gilbert M. Fein Neighborhood Conservation District in accordance with Section 118-705 (a)(1) of the NCD enabling ordinance at a publicly noticed Community Workshop and the Board chooses not to rescind its previous direction to staff to continue the consideration of a possible Historic District until after the City Commission has held its Preliminary Public Hearing to review the merits of the proposed NCD.
- **February 8, 2005**

Planning staff presents the draft of the proposed Gilbert M. Fein Neighborhood Conservation District Designation Report, District Ordinance and Streetscape Improvement Plan to the Historic Preservation Board.
- **April 20, 2005**

The City Commission sets a preliminary public hearing for May 18, 2005, through Resolution No. 2005-25865 in accordance with Miami Beach City Code section 118-705(b)(1) in order to consider the benefits of the proposed NCD and determine whether to continue the NCD designation process.
- **May 18, 2005**

The City Commission holds the preliminary public hearing regarding the proposed NCD in accordance with City Code section 118-705(b)(2) and directs the Planning Department through Resolution No. 2005-25901 to continue finalizing its NCD report; instating the interim development review controls pursuant to City Code section 118-708.
- **June 23, 2005**

The Planning department sponsors an additional community workshop to review the NCD plan in accordance with City Code section 118-705(b)(3).
- **July 19, 2005**

The Design Review Board discusses the draft NCD plan and provides advisory comments in accordance with City Code section 118-705(d)(1).



- **August 23, 2005**

The Planning Board, following a duly noticed public hearing, unanimously recommends the proposed NCD Plan for adoption by the City Commission by a vote of (7-0) in favor.

- **October 19, 2005**

The City Commission, following a duly noticed public hearing, adopts the Gilbert M. Fein Neighborhood Conservation District by a vote of (6-0) in favor, 1 absent.